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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,649	03/30/2001	Edward Soh Smith	RPA1006	8561

22829 7590 06/13/2002

ROCHE MOLECULAR SYSTEMS INC
PATENT LAW DEPARTMENT
1145 ATLANTIC AVENUE
ALAMEDA, CA 94501

EXAMINER

GUNTER, DAVID R

ART UNIT PAPER NUMBER

1634

DATE MAILED: 06/13/2002

08

Please find below and/or attached an Office communication concerning this application or proceeding.



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Smith, et al.

RPA 1006

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Commissioner of Patents and Trademarks

The timely submission under 37 CFR 1.129(a) filed on 24 May 2002, paper number 7, is not fully responsive to the prior Office action. Page 4 of the restriction requirement states that the applicant "is to elect a single amino acid sequence in which every amino acid is identified without ambiguity" [emphasis added]. The elected Claim group is drawn to an enzyme comprising SEQ ID NO: 1. SEQ ID NO: 1 is defined on page 4 of the specification as "LXXXXXXXXXE ... wherein X at position 2 is S or A, X at positions 3, 4, 6, 7, 8, 9, and 10 are any amino acid, and X at position 5 is L or I." This definition of SEQ ID NO: 1 does not meet the requirement that the amino acid sequence must be specified without ambiguity. The exact identity of each amino acid in the sequence must be defined.

The examiner notes that the applicant has mis-identified the claims which correspond to elected claim group I. The correct claims associated with claim group I are Claims 1, 8-13, 20-29, 36-41, and 48-52. The applicant has indicated election of Claims 1, 18-13, 20-29, 36-41, and 48-52. This is assumed to be a typographical error, but the error should be addressed along with the required sequence information above.

Since the submission appears to be a bona fide attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a). If a notice of appeal and the fee set forth in 37 CFR 1.17(e) were filed prior to or with the payment of the fee set forth in 37 CFR 1.17(r), the payment of the fee set forth in 37 CFR 1.17(r) by applicant is construed as a request to dismiss the appeal and to continue prosecution under 37 CFR 1.129(a). The appeal stands dismissed.


David R. Gunter, DVM PhD

